

Sequence of Steps for ND Class VI Primacy

1. Publish FR notice of receipt of primacy application from NDIC for Class VI primacy. As part of this notice, EPA provides a 30-day period for public comment and/or to request a hearing on the application.
2. EPA starts formal review of ND Class VI primacy application. (This entails getting OGC concurrence and OW concurrence, etc. to approve ND's Class VI application.)
3. Relevant public comments will be addressed and captured in the docket.
4. If a public hearing is requested, an additional FR notice will be required announcing the time and date of the public hearing 30-days prior to the hearing. Hearing logistics will be setup during this period.
5. Public hearing held and comments and testimony will be collected. Questions that can be answered during the hearing will be addressed there.
6. Response to public comments and hearing issues addressed and captured in the docket. Responses to commenter's sent.
7. EPA works with ND to address any issues from EPA's review of the application and issues brought up by the public.
8. Publish FR notice of a proposed rule to approve ND's Class VI primacy application with a 30-day comment period.
9. Publish a parallel Direct Final Rule approving ND's Class VI primacy application. If no comments are received, then after 60 days, ND's Class VI primacy is approved and codified in Part 147. However, if comments are received, will need to publish a FR notice withdrawing the Direct Final Rule. If comments are received, the interim final is withdrawn.
10. Public comments are addressed and responded to and they are recorded in the docket. Any changes to the draft application are made, if necessary.
11. The Final primacy package is noticed in the FR with 30-days for the public to petition.
12. If no comments are received, the rule goes final and is signed by the Administrator.
13. If petitioned the application goes to the EAB for review.